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June 5, 2015

VIA EMAIL

The Honorable Raymond J. Dearie
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: USA v. Blazer, No. 1:13-cr-00602-RJD

Dear Judge Dearie:

We represent Non-Parties American Broadcasting Companies, Inc., Daily News, L.P., publisher of the Daily News, Newsday LLC, and Bloomberg L.P. (the "Non Parties"). We write to follow up on this Court's May 29, 2015 Order (ECF No. 15), which required the Government to file a redacted version of the transcript of defendant's guilty plea entered in the above-referenced matter on November 23, 2013 (the "Transcript"). Specifically, we request that the Government publicly file the underlying plea and/or cooperation agreements, which appear to be annexed as Exhibit 1 to the Transcript. *See* ECF No. 19 at 19-20.

As this Court clearly understands, the public has a First Amendment right of access "to plea hearings and thus to documents filed in connection with those hearings." *U.S. v. Haller*, 837 F.2d 84, 86-87 (2d Cir. 1988). For this reason, agreements filed in connection with plea hearings can only remain sealed after the Court "makes 'specific, on the record findings demonstrating that closure is essential to preserve higher values and is narrowly tailored to serve that interest.'" *Id.* at 87 (citing *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 106 S.Ct. 2735, 2743 (1986)). Because the plea hearing Transcript has been released, and the circumstances surrounding defendant Blazer's guilty plea have been widely reported by the press, we respectfully submit that there is no longer any compelling need to keep the underlying agreement under seal.

Finally, a court must "articulate the basis for any" redaction "supplying sufficient basis for appellate review. If such articulation would itself reveal information entitled to remain confidential, the basis for closure may be set forth in a sealed portion of the record." *Id.* at 88-89 (citing *In re Herald Co.*, 734 F.2d 93, 100 (2d Cir. 1984)). Therefore, if this Court determines that the agreement requires redactions, we respectfully request that this Court articulate a basis for the redactions.



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For these reasons, the Non-Parties respectfully request that this Court order the unsealing of the cooperation and/or plea agreements in this case, or, in the alternative, the opportunity to be heard on the issue.

Thank you in advance for your attention to this matter.

Respectfully submitted,

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By: 
Katherine M. Bolger

cc: Mary Mulligan, Esquire (via electronic mail)
Amanda Hector, Esquire (via electronic mail)